

Executive Summary – Enforcement Matter – Case No. 48154
Jose O. Beltran and Maria A. Beltran dba 1017 Café
RN102679461
Docket No. 2014-0095-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

1017 Café, 5184 Farm-to-Market Road 1017, San Isidro, Starr County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: April 11, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$270

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$270

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - N/A

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: December 9, 2013 and January 21, 2014

Date(s) of NOE(s): January 10, 2014

Executive Summary – Enforcement Matter – Case No. 48154
Jose O. Beltran and Maria A. Beltran dba 1017 Café
RN102679461
Docket No. 2014-0095-PWS-E

Violation Information

1. Failed to provide the results of quarterly nitrate sampling to the Executive Director ("ED") [30 TEX. ADMIN. CODE § 290.106(e)].
2. Failed to provide public notification regarding the failure to comply with the acute maximum contaminant level ("MCL") for nitrate for the third quarter of 2013 [30 TEX. ADMIN. CODE § 290.122(a)(3)(C)].
3. Failed to pay Public Health Service fees [30 TEX. ADMIN. CODE § 290.51(a)(6) and TEX. WATER CODE § 5.702].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondents to:

a. Within 30 days:

- i. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Division Account No. 92140030;
- ii. Ensure that all delinquent drinking water chemical analysis results are reported to the ED or demonstrate that a compliance schedule has been established;
- iii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are released by the Facility's laboratories and reported to the ED within ten days of ED request or of their receipt by the Facility, whichever is later; and
- iv. Implement procedures to ensure that all necessary public notifications are posted in a timely manner to persons served by the Facility, including but not limited to posting public notification regarding the failure to comply with the acute MCL for nitrate.

b. Within 45 days, submit written certification to demonstrate compliance with Ordering Provisions a.ii., a.iii., and a.iv.

Executive Summary – Enforcement Matter – Case No. 48154
Jose O. Beltran and Maria A. Beltran dba 1017 Café
RN102679461
Docket No. 2014-0095-PWS-E

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Sam Keller, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2678; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: N/A
Respondents: Jose Beltran, Owner, 1017 Café, P.O. Box 126, San Isidro, Texas 78588
Maria A. Beltran, Owner, 1017 Café, P.O. Box 126, San Isidro, Texas 78588
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	13-Jan-2014	Screening	21-Jan-2014	EPA Due	31-Mar-2014
	PCW	23-Jan-2014				

RESPONDENT/FACILITY INFORMATION

Respondent	Jose O. Beltran and Maria A. Beltran dba 1017 Café				
Reg. Ent. Ref. No.	RN102679461				
Facility/Site Region	15-Harlingen	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	48154	No. of Violations	3
Docket No.	2014-0095-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Sam Keller
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$150**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **77.0%** Enhancement **Subtotals 2, 3, & 7** **\$115**

Notes Enhancement for two NOV's with same/similar violations, one NOV with dissimilar violations, two final enforcement orders with a denial of liability, and one final enforcement order without a denial of liability.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes The Respondents do not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$0**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts **\$12**
Approx. Cost of Compliance **\$121**
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$265**

OTHER FACTORS AS JUSTICE MAY REQUIRE **1.9%** **Adjustment** **\$5**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Enhancement to capture the avoided costs of compliance for Violation No. 2.

Final Penalty Amount **\$270**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$270**

DEFERRAL **0.0%** Reduction **Adjustment** **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$270**

Screening Date 21-Jan-2014

Docket No. 2014-0095-PWS-E

PCW

Respondent Jose O. Beltran and Maria A. Beltran dba 1017 Ca

Policy Revision 3 (September 2011)

Case ID No. 48154

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102679461

Media [Statute] Public Water Supply

Enf. Coordinator Sam Keller

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 77%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with same/similar violations, one NOV with dissimilar violations, two final enforcement orders with a denial of liability, and one final enforcement order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 77%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 77%

Screening Date 21-Jan-2014

Docket No. 2014-0095-PWS-E

PCW

Respondent Jose O. Beltran and Maria A. Beltran dba 1017 Café

Policy Revision 3 (September 2011)

Case ID No. 48154

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102679461

Media [Statute] Public Water Supply

Enf. Coordinator Sam Keller

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.106(e)

Violation Description Failed to provide the results of quarterly nitrate sampling to the Executive Director for the second and third quarters of 2013.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 2

182 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

Two single events are recommended (one for each report).

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$180

This violation Final Assessed Penalty (adjusted for limits) \$180

Economic Benefit Worksheet

Respondent Jose O. Beltran and Maria A. Beltran dba 1017 Café

Case ID No. 48154

Reg. Ent. Reference No. RN102679461

Media Public Water Supply

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$16	30-Jun-2013	31-Dec-2014	1.50	\$0	\$2	\$2
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to pay any outstanding lab fees (\$8 for nitrate x 2 monitoring periods) so that the lab will release all drinking water chemical analysis results. The date required is the last date of the first monitoring period for which results were not provided, and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$16

TOTAL

\$2

Screening Date 21-Jan-2014

Docket No. 2014-0095-PWS-E

PCW

Respondent Jose O. Beltran and Maria A. Beltran dba 1017 Café

Policy Revision 3 (September 2011)

Case ID No. 48154

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102679461

Media [Statute] Public Water Supply

Enf. Coordinator Sam Keller

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.122(a)(3)(C)

Violation Description

Failed to provide public notification regarding the failure to comply with the acute maximum contaminant level for nitrate for the third quarter of 2013. Specifically, the Respondent was required to provide public notification for the nitrate exceedance by December 8, 2013.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

90 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDP RP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11

Violation Final Penalty Total \$90

This violation Final Assessed Penalty (adjusted for limits) \$90

Economic Benefit Worksheet

Respondent Jose O. Beltran and Maria A. Beltran dba 1017 Café
Case ID No. 48154
Reg. Ent. Reference No. RN102679461
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	9-Dec-2013	1-Jan-2015	1.06	\$5	n/a	\$5
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to implement improvements to the Facility's process procedures, guidance, training and/or oversight to ensure that public notification is posted and reported to the Executive Director, calculated from the date of the record review to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$5	9-Sep-2013	8-Dec-2013	1.16	\$0	\$5	\$5
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to post public notification (\$5 per notice), calculated from the date that public notification was requested to the date that public notification was required.

Approx. Cost of Compliance

\$105

TOTAL

\$11

Screening Date 21-Jan-2014

Docket No. 2014-0095-PWS-E

PCW

Respondent Jose O. Beltran and Maria A. Beltran dba 1017 Café

Policy Revision 3 (September 2011)

Case ID No. 48154

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102679461

Media [Statute] Public Water Supply

Enf. Coordinator Sam Keller

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.51(a)(6) and Tex. Water Code § 5.702

Violation Description

Failed to pay Public Health Service fees for TCEQ Financial Administration Account No. 92140030 for Fiscal Year 2014.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Harm Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix
Notes

Adjustment \$1,000

\$0

Violation Events

Number of Violation Events

Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$0

All penalties and interest will be determined by the Financial Administration Division at the next billing cycle.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$0

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

This violation Final Assessed Penalty (adjusted for limits) \$0

Economic Benefit Worksheet

Respondent Jose O. Beltran and Maria A. Beltran dba 1017 Café
Case ID No. 48154
Reg. Ent. Reference No. RN102679461
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

n/a

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

n/a

Approx. Cost of Compliance

\$0

TOTAL

\$0



Compliance History Report

PUBLISHED Compliance History Report for CN603950536, RN102679461, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator:	CN603950536, Beltran, Jose O.	Classification:	NOT APPLICABLE	Rating:	N/A
Regulated Entity:	RN102679461, 1017 Cafe	Classification:	NOT APPLICABLE	Rating:	N/A
Complexity Points:	N/A	Repeat Violator:	N/A		
CH Group:	14 - Other				
Location:	5184 FARM-TO-MARKET ROAD 1017, SAN ISIDRO, STARR COUNTY, TEXAS				
TCEQ Region:	REGION 15 - HARLINGEN				
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2140030				
Compliance History Period:	September 01, 2008 to August 31, 2013	Rating Year:	2013	Rating Date:	09/01/2013
Date Compliance History Report Prepared:	January 16, 2014				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	January 16, 2009 to January 16, 2014				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Sam Keller		Phone:	(512) 239-2678	

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |
| 3) If YES for #2, who is the current owner/operator? | N/A |
| 4) If YES for #2, who was/were the prior owner(s)/operator(s)? | N/A |
| 5) If YES , when did the change(s) in owner or operator occur? | N/A |

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- | | | | | |
|---|---|------------|-----------------|--|
| 1 | Effective Date: 05/03/2009 | ADMINORDER | 2007-1803-PWS-E | (Findings Order-Agreed Order Without Denial) |
| | Classification: Moderate | | | |
| | Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3) | | | |
| | 5A THSC Chapter 341, SubChapter A 341.031(a) | | | |
| | Description: Exceeded the MCL for total coliform in May 2006. | | | |
| | Classification: Moderate | | | |
| | Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(B) | | | |
| | Description: Failed to post public notice for exceeding the total coliform MCL in May 2006. | | | |
| | Classification: Moderate | | | |
| | Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F) | | | |
| | Description: Failed to collect and submit at least five routine water samples during the month (June 2006) following a total coliform positive sample result. | | | |
| | Classification: Moderate | | | |
| | Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B) | | | |
| | Description: Failed to provide public notification of the failure to collect and submit at least five routine water samples during the month (June 2006) following a total coliform positive sample result. | | | |
| | Classification: Moderate | | | |

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)

Description: Failed to collect and submit at least five routine water samples during the month (September 2006) following a total coliform positive sample result.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: Failed to provide public notification of the failure to collect and submit at least five routine water samples during the month (September 2006) following a total coliform positive sample result.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)

5A THSC Chapter 341, SubChapter A 341.031(a)

Description: Exceeded the MCL for total coliform in December 2006.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(B)

Description: Failed to post public notice for exceeding the total coliform MCL in December 2006.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

5A THSC Chapter 341, SubChapter A 341.033(d)

Description: Failed to collect and submit monthly water samples for bacteriological analysis for the month of February 2007.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: Failed to provide public notification of the failure to collect water samples in February 2007.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

5A THSC Chapter 341, SubChapter A 341.033(d)

Description: Failed to collect and submit monthly water samples for bacteriological analysis for the month of May 2007.

2

Effective Date: 06/07/2012 ADMINORDER 2011-1653-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)

30 TAC Chapter 290, SubChapter F 290.106(e)

Description: This system failed to monitor and/or failed to report nitrate levels at EP001 to the TCEQ for the quarterly monitoring period from 04/01/2011 to 06/30/2011.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)

30 TAC Chapter 290, SubChapter F 290.106(e)

Description: This system failed to monitor and/or failed to report nitrate levels at EP001 to the TCEQ for the quarterly monitoring period from 01/01/2011 to 03/31/2011.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)

30 TAC Chapter 290, SubChapter F 290.106(e)

Description: This system failed to monitor and/or failed to report nitrate levels at EP001 to the TCEQ for the quarterly monitoring period from 10/01/2010 to 12/31/2010.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)

30 TAC Chapter 290, SubChapter F 290.106(e)

Description: This system failed to monitor and/or failed to report nitrate levels at EP001 to the TCEQ for the quarterly monitoring period from 07/01/2010 to 09/30/2010.

3

Effective Date: 03/03/2013 ADMINORDER 2012-1353-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.116(b)(2)

Description: GWR Corrective Action Violation 10/2011 - Failure to complete the corrective action or be in compliance with an approved corrective action plan and schedule within 120 day of receiving notification from a laboratory of a fecal indicator positive source sample collected in June 2011.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.116(b)(2)

Description: GWR Corrective Action Violation 05/2012 - Failure to complete the corrective action or be in compliance with an approved corrective action plan and schedule within 120 day of receiving notification from a laboratory of a fecal indicator positive source sample in January 2012.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(4)

30 TAC Chapter 290, SubChapter F 290.106(e)

30 TAC Chapter 290, SubChapter F 290.118(f)(1)

30 TAC Chapter 290, SubChapter F 290.118(f)(2)

Description: MIN MR 3Y2010 - The system failed to monitor and/or failed to report mineral levels to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(4)

30 TAC Chapter 290, SubChapter F 290.106(e)

30 TAC Chapter 290, SubChapter F 290.118(f)(1)

30 TAC Chapter 290, SubChapter F 290.118(f)(2)

Description: MTL MR 3Y2010 - The system failed to monitor and/or failed to report metal levels to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(B)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: OCT/2011 GWR Corrective Action PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to complete corrective action for the month of 10/2010.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1 January 24, 2012 (963862)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	11/07/2013	(1139597)	CN603950536
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.116(b)		
	Description:	GWR Non-acute TT Violation 08/2012 - The system was required to install filtration on its water source by 12/14/2012 due to a fecal coliform positive found in a raw groundwater sample on 08/16/2012. The PWS failed to install filtration by this deadline at G2140030A.		
2	Date:	11/22/2013	(1139597)	CN603950536
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.106(c)(6) 30 TAC Chapter 290, SubChapter F 290.106(e)		
	Description:	NO3 MR 2Q2013 - The system failed to monitor and/or report nitrate levels to the TCEQ for the quarterly monitoring period from 04/01/2013 to 06/30/2013 within the required timeline.		
3	Date:	12/18/2013	(1139597)	CN603950536
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.122(a)(3)(C) 30 TAC Chapter 290, SubChapter F 290.122(f)		
	Description:	NO3 AMCL PN 3Q2013 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for nitrate during the 3rd quarter of 2013.		

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

Published Compliance History Report for CN603950536, RN102679461, Rating Year 2013 which includes Compliance History (CH) components from January 16, 2009, through January 16, 2014.

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOVs Issued During Component Period 1/16/2009 and 1/16/2014

- 1 Date: 08/24/2011 (950595) CN603950536
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)
 30 TAC Chapter 290, SubChapter F 290.106(e)
Description: This system failed to monitor and/or failed to report nitrate levels at EP001 to the TCEQ
 for the quarterly monitoring period from 10/01/2010 to 12/31/2010.
- 2 Date: 08/24/2011 (950581) CN603950536
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)
 30 TAC Chapter 290, SubChapter F 290.106(e)
Description: This system failed to monitor and/or failed to report nitrate levels at EP001 to the TCEQ
 for the quarterly monitoring period from 01/01/2011 to 03/31/2011.
- 3 Date: 08/24/2011 (950556) CN603950536
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)
 30 TAC Chapter 290, SubChapter F 290.106(e)
Description: This system failed to monitor and/or failed to report nitrate levels at EP001 to the TCEQ
 for the quarterly monitoring period from 04/01/2011 to 06/30/2011.
- 4 Date: 08/24/2011 (950604) CN603950536
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)
 30 TAC Chapter 290, SubChapter F 290.106(e)
Description: This system failed to monitor and/or failed to report nitrate levels at EP001 to the TCEQ
 for the quarterly monitoring period from 07/01/2010 to 09/30/2010.
- 5 Date: 11/09/2011 (1009314) CN603950536
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.116(b)(2)
Description: GWR Corrective Action Violation 10/2011 - Failure to complete the corrective action or
 be in compliance with an approved corrective action plan and schedule within 120 day
 of receiving notification from a laboratory of a fecal indicator positive source sample
 collected in June 2011.
- 6 Date: 11/07/2013 (1139597) CN603950536
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.116(b)
Description: GWR Non-acute TT Violation 08/2012 - The system was required to install filtration on
 its water source by 12/14/2012 due to a fecal coliform positive found in a raw
 groundwater sample on 08/16/2012. The PWS failed to install filtration by this deadline
 at G2140030A.
- 7 Date: 11/22/2013 (1139597) CN603950536
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)
 30 TAC Chapter 290, SubChapter F 290.106(e)
Description: NO3 MR 2Q2013 - The system failed to monitor and/or report nitrate levels to the TCEQ
 for the quarterly monitoring period from 04/01/2013 to 06/30/2013 within the required
 timeline.
- 8 Date: 12/18/2013 (1139597) CN603950536
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(a)(3)(C)
 30 TAC Chapter 290, SubChapter F 290.122(f)
Description: NO3 AMCL PN 3Q2013 Posting and Reporting Violation - Failure to submit a signed
 certificate of delivery to the Executive Director certifying that public notice was issued
 pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice
 was required for a violation of the maximum contaminant level for nitrate during the
 3rd quarter of 2013.

* NOVs applicable for the Compliance History rating period 9/1/2008 to 8/31/2013

Appendix B

All Investigations Conducted During Component Period January 16, 2009 and January 16, 2014

Item 1	March 11, 2009**	(737519)
Item 2	August 24, 2011**	(950556)
Item 3	August 26, 2011**	(950672)
Item 4*	January 24, 2012**	(963862)
Item 5	June 05, 2012**	(1009314)
Item 6	June 28, 2012**	(1009463)
Item 7	July 25, 2013**	(1103475)
Item 8	July 30, 2013**	(1104561)
Item 9	January 08, 2014	(1139597)
Item 10	January 10, 2014	(1140362)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2008 and 08/31/2013.



Compliance History Report

PUBLISHED Compliance History Report for CN602292690, RN102679461, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator:	CN602292690, Maria A. Beltran	Classification:	NOT APPLICABLE	Rating:	N/A
Regulated Entity:	RN102679461, 1017 Cafe	Classification:	NOT APPLICABLE	Rating:	N/A
Complexity Points:	N/A	Repeat Violator:	N/A		
CH Group:	14 - Other				
Location:	5184 FARM-TO-MARKET ROAD 1017, SAN ISIDRO, STARR COUNTY, TEXAS				
TCEQ Region:	REGION 15 - HARLINGEN				
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2140030				

Compliance History Period:	September 01, 2008 to August 31, 2013	Rating Year:	2013	Rating Date:	09/01/2013
Date Compliance History Report Prepared:	January 16, 2014				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	January 16, 2009 to January 16, 2014				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Sam Keller		Phone:	(512) 239-2678	

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |
| 3) If YES for #2, who is the current owner/operator? | N/A |
| 4) If YES for #2, who was/were the prior owner(s)/operator(s)? | N/A |
| 5) If YES , when did the change(s) in owner or operator occur? | N/A |

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- | | | |
|---|---|---|
| 1 | Effective Date: 05/03/2009 | ADMINORDER 2007-1803-PWS-E (Findings Order-Agreed Order Without Denial) |
| | Classification: Moderate | |
| | Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3) | |
| | 5A THSC Chapter 341, SubChapter A 341.031(a) | |
| | Description: Exceeded the MCL for total coliform in May 2006. | |
| | Classification: Moderate | |
| | Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(B) | |
| | Description: Failed to post public notice for exceeding the total coliform MCL in May 2006. | |
| | Classification: Moderate | |
| | Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F) | |
| | Description: Failed to collect and submit at least five routine water samples during the month (June 2006) following a total coliform positive sample result. | |
| | Classification: Moderate | |
| | Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B) | |
| | Description: Failed to provide public notification of the failure to collect and submit at least five routine water samples during the month (June 2006) following a total coliform positive sample result. | |
| | Classification: Moderate | |

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)

Description: Failed to collect and submit at least five routine water samples during the month (September 2006) following a total coliform positive sample result.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: Failed to provide public notification of the failure to collect and submit at least five routine water samples during the month (September 2006) following a total coliform positive sample result.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)

5A THSC Chapter 341, SubChapter A 341.031(a)

Description: Exceeded the MCL for total coliform in December 2006.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(B)

Description: Failed to post public notice for exceeding the total coliform MCL in December 2006.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

5A THSC Chapter 341, SubChapter A 341.033(d)

Description: Failed to collect and submit monthly water samples for bacteriological analysis for the month of February 2007.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: Failed to provide public notification of the failure to collect water samples in February 2007.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

5A THSC Chapter 341, SubChapter A 341.033(d)

Description: Failed to collect and submit monthly water samples for bacteriological analysis for the month of May 2007.

2

Effective Date: 06/07/2012 ADMINORDER 2011-1653-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)

30 TAC Chapter 290, SubChapter F 290.106(e)

Description: This system failed to monitor and/or failed to report nitrate levels at EP001 to the TCEQ for the quarterly monitoring period from 04/01/2011 to 06/30/2011.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)

30 TAC Chapter 290, SubChapter F 290.106(e)

Description: This system failed to monitor and/or failed to report nitrate levels at EP001 to the TCEQ for the quarterly monitoring period from 01/01/2011 to 03/31/2011.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)

30 TAC Chapter 290, SubChapter F 290.106(e)

Description: This system failed to monitor and/or failed to report nitrate levels at EP001 to the TCEQ for the quarterly monitoring period from 10/01/2010 to 12/31/2010.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)

30 TAC Chapter 290, SubChapter F 290.106(e)

Description: This system failed to monitor and/or failed to report nitrate levels at EP001 to the TCEQ for the quarterly monitoring period from 07/01/2010 to 09/30/2010.

3

Effective Date: 03/03/2013 ADMINORDER 2012-1353-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.116(b)(2)

Description: GWR Corrective Action Violation 10/2011 - Failure to complete the corrective action or be in compliance with an approved corrective action plan and schedule within 120 day of receiving notification from a laboratory of a fecal indicator positive source sample collected in June 2011.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.116(b)(2)

Description: GWR Corrective Action Violation 05/2012 - Failure to complete the corrective action or be in compliance with an approved corrective action plan and schedule within 120 day of receiving notification from a laboratory of a fecal indicator positive source sample in January 2012.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(4)

30 TAC Chapter 290, SubChapter F 290.106(e)

30 TAC Chapter 290, SubChapter F 290.118(f)(1)

30 TAC Chapter 290, SubChapter F 290.118(f)(2)

Description: MIN MR 3Y2010 - The system failed to monitor and/or failed to report mineral levels to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(4)

30 TAC Chapter 290, SubChapter F 290.106(e)

30 TAC Chapter 290, SubChapter F 290.118(f)(1)

30 TAC Chapter 290, SubChapter F 290.118(f)(2)

Description: MTL MR 3Y2010 - The system failed to monitor and/or failed to report metal levels to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(B)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: OCT/2011 GWR Corrective Action PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to complete corrective action for the month of 10/2010.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1 January 24, 2012 (963862)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	11/07/2013	(1139597)	CN602292690
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.116(b)		
	Description:	GWR Non-acute TT Violation 08/2012 - The system was required to install filtration on its water source by 12/14/2012 due to a fecal coliform positive found in a raw groundwater sample on 08/16/2012. The PWS failed to install filtration by this deadline at G2140030A.		
2	Date:	11/22/2013	(1139597)	CN602292690
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.106(c)(6) 30 TAC Chapter 290, SubChapter F 290.106(e)		
	Description:	NO3 MR 2Q2013 - The system failed to monitor and/or report nitrate levels to the TCEQ for the quarterly monitoring period from 04/01/2013 to 06/30/2013 within the required timeline.		
3	Date:	12/18/2013	(1139597)	CN602292690
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.122(a)(3)(C) 30 TAC Chapter 290, SubChapter F 290.122(f)		
	Description:	NO3 AMCL PN 3Q2013 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for nitrate during the 3rd quarter of 2013.		

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

Published Compliance History Report for CN602292690, RN102679461, Rating Year 2013 which includes Compliance History (CH) components from January 16, 2009, through January 16, 2014.

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOVs Issued During Component Period 1/16/2009 and 1/16/2014

- 1 Date: 08/24/2011 (950595) CN602292690
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)
 30 TAC Chapter 290, SubChapter F 290.106(e)
Description: This system failed to monitor and/or failed to report nitrate levels at EP001 to the TCEQ
 for the quarterly monitoring period from 10/01/2010 to 12/31/2010.
- 2 Date: 08/24/2011 (950581) CN602292690
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)
 30 TAC Chapter 290, SubChapter F 290.106(e)
Description: This system failed to monitor and/or failed to report nitrate levels at EP001 to the TCEQ
 for the quarterly monitoring period from 01/01/2011 to 03/31/2011.
- 3 Date: 08/24/2011 (950556) CN602292690
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)
 30 TAC Chapter 290, SubChapter F 290.106(e)
Description: This system failed to monitor and/or failed to report nitrate levels at EP001 to the TCEQ
 for the quarterly monitoring period from 04/01/2011 to 06/30/2011.
- 4 Date: 08/24/2011 (950604) CN602292690
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)
 30 TAC Chapter 290, SubChapter F 290.106(e)
Description: This system failed to monitor and/or failed to report nitrate levels at EP001 to the TCEQ
 for the quarterly monitoring period from 07/01/2010 to 09/30/2010.
- 5 Date: 11/09/2011 (1009314) CN602292690
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.116(b)(2)
Description: GWR Corrective Action Violation 10/2011 - Failure to complete the corrective action or
 be in compliance with an approved corrective action plan and schedule within 120 day
 of receiving notification from a laboratory of a fecal indicator positive source sample
 collected in June 2011.
- 6 Date: 11/07/2013 (1139597) CN602292690
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.116(b)
Description: GWR Non-acute TT Violation 08/2012 - The system was required to install filtration on
 its water source by 12/14/2012 due to a fecal coliform positive found in a raw
 groundwater sample on 08/16/2012. The PWS failed to install filtration by this deadline
 at G2140030A.
- 7 Date: 11/22/2013 (1139597) CN602292690
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)
 30 TAC Chapter 290, SubChapter F 290.106(e)
Description: NO3 MR 2Q2013 - The system failed to monitor and/or report nitrate levels to the TCEQ
 for the quarterly monitoring period from 04/01/2013 to 06/30/2013 within the required
 timeline.
- 8 Date: 12/18/2013 (1139597) CN602292690
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(a)(3)(C)
 30 TAC Chapter 290, SubChapter F 290.122(f)
Description: NO3 AMCL PN 3Q2013 Posting and Reporting Violation - Failure to submit a signed
 certificate of delivery to the Executive Director certifying that public notice was issued
 pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice
 was required for a violation of the maximum contaminant level for nitrate during the
 3rd quarter of 2013.

* NOVs applicable for the Compliance History rating period 9/1/2008 to 8/31/2013

Appendix B

All Investigations Conducted During Component Period January 16, 2009 and January 16, 2014

Item 1	March 11, 2009**	(737519)
Item 2	August 24, 2011**	(950556)
Item 3	August 26, 2011**	(950672)
Item 4*	January 24, 2012**	(963862)
Item 5	June 05, 2012**	(1009314)
Item 6	June 28, 2012**	(1009463)
Item 7	July 25, 2013**	(1103475)
Item 8	July 30, 2013**	(1104561)
Item 9	January 08, 2014	(1139597)
Item 10	January 10, 2014	(1140362)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2008 and 08/31/2013.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
JOSE O. BELTRAN AND MARIA A.
BELTRAN DBA 1017 CAFÉ
RN102679461**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2014-0095-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Jose O. Beltran and Maria A. Beltran dba 1017 Café (the "Respondents") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE ch. 5. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondents presented this agreement to the Commission.

The Respondents understand that they have certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondents agree to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondents.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondents own and operate a public water supply at 5184 Farm-to-Market Road 1017 in San Isidro, Starr County, Texas (the "Facility") that has two service connections and serves at least 25 people per day for at least 60 days per year.
2. During a record review conducted on December 9, 2013, TCEQ staff documented that the Respondents did not provide the results of nitrate sampling for the second and third quarters of 2013.
3. During a record review conducted on December 9, 2013, TCEQ staff documented that the Respondents were required to provide public notification for a nitrate exceedance for the third quarter of 2013 by December 8, 2013.
4. During a record review conducted on January 21, 2014, TCEQ staff documented that the Respondents did not pay Public Health Service fees for TCEQ Financial Administration Account No. 92140030 for Fiscal Year 2014.
5. The Respondents received notice of the violations on January 24, 2014.

II. CONCLUSIONS OF LAW

1. The Respondents are subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 5, and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondents failed to provide the results of quarterly nitrate sampling to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.106(e).
3. As evidenced by Findings of Fact No. 3, the Respondents failed to provide public notification regarding the failure to comply with the acute maximum contaminant level ("MCL") for nitrate for the third quarter of 2013, in violation of 30 TEX. ADMIN. CODE § 290.122(a)(3)(C).
4. As evidenced by Findings of Fact No. 4, the Respondents failed to pay Public Health Service fees, in violation of 30 TEX. ADMIN. CODE § 290.51(a)(6) and TEX. WATER CODE § 5.702.
5. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondents for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

6. An administrative penalty in the amount of Two Hundred Seventy Dollars (\$270) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondents have paid the Two Hundred Seventy Dollar (\$270) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondents are assessed an administrative penalty in the amount of Two Hundred Seventy Dollars (\$270) as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondents' compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Jose O. Beltran and Maria A. Beltran dba 1017 Café, Docket No. 2014-0095-PWS-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondents are jointly and severally liable for the violations documented in this Agreed Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Agreed Order.
3. The Respondents shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Division Account No. 92140030, in accordance with 30 TEX. ADMIN. CODE § 290.51(a)(6). The payment shall be sent with the notation "Jose O. Beltran and Maria A. Beltran dba 1017 Café Account No. 92140030" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

- ii. Ensure that all delinquent drinking water chemical analysis results are reported to the Executive Director or demonstrate that a compliance schedule has been established, in accordance with 30 TEX. ADMIN. CODE § 290.106 (Inorganic Contaminants);
 - iii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are released by the Facility's laboratories and reported to the Executive Director within ten days of Executive Director request or of their receipt by the Facility, whichever is later, in accordance with 30 TEX. ADMIN. CODE § 290.106 (Inorganic Contaminants); and
 - iv. Implement procedures to ensure that all necessary public notifications are posted in a timely manner to persons served by the Facility, including but not limited to posting public notification regarding the failure to comply with the acute MCL for nitrate, in accordance with 30 TEX. ADMIN. CODE § 290.122.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a.ii., 3.a.iii., and 3.a.iv. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Public Drinking Water Section Manager
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondents. The Respondents are ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondents shall be made in writing to the Executive Director. Extensions are not effective until the Respondents receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondents in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pamela Davis
For the Executive Director

5/16/14

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Jose O. Beltran and Maria A. Beltran dba 1017 Café. I am authorized to agree to the attached Agreed Order on behalf of Jose O. Beltran and Maria A. Beltran dba 1017 Café, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Jose O. Beltran and Maria A. Beltran dba 1017 Café waive certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Jose O. Beltran
Signature

3/10/2014
Date

Jose O. Beltran
Name (Printed or typed)
Authorized Representative of
Jose O. Beltran dba 1017 Café

OWNER
Title

Maria A. Beltran
Signature

3/10/2014
Date

Maria A. Beltran
Name (Printed or typed)
Authorized Representative of
Maria A. Beltran dba 1017 Café

OWNER
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.